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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,667	12/21/2001	John K. Gallant	RIC01016	3681

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MCI, INC
TECHNOLOGY LAW DEPARTMENT
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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,667

Applicant(s)

GALLANT ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 and 66-74 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 and 66-74 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 9-10, 15-27, 38-42, 61, 66-69, 70, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas (6,751,652).

Consider claims 1, 5, 27, 61, 69, 70, 74. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). Thomas teaches challenge a device that originated the call by requesting the device to authenticate itself (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thomas into the teachings of D'Amico for security, and fraudulent protection purposes.

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Consider claims 9-10. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

Consider claims 15-26, 38-42. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Thomas teaches adding a header to the call request message, the header including a server id to identify a server sending the SIP call request message; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thomas into the teachings of D'Amico for security, and fraudulent protection purposes.

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Consider claims 66-68. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). D'Amico does not teach adding a header to the call request message, the header including a server id; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected.

Thomas teaches adding a header to the call request message, the header including a server id to identify a server sending the SIP call request message; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thomas into the teachings of D'Amico for security, and fraudulent protection purposes.

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3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas (6,751,652) as applied to claim 1 above, and further in view of Jobst et al (6,707,915).

Consider claim 4. D'Amico in view of Thomas does not teach the step of authenticating includes performing a calculation using a hash algorithm.

Jobst teaches the step of authenticating includes performing a calculation using a hash algorithm (col. 2, ln. 34-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jobst into the teachings of D'Amico in view of Thomas in order to secure the terminal against unauthorized software loading into the phone.

4. Claims 2-3, 6-8, 11-14, 28-29, 31-32, 36-37, 62-64, 71-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas (6,751,652) and further in view of McConnell et al (US2003/0074313).

Consider claims 2-3, 11, 28-29, 31-32, 36-37, 62-64, 71-72. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln.

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45). Thomas teaches challenge a device that originated the call by requesting the device to authenticate itself (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25). Thomas further teaches adding a header to the call request message, the header including a server id to identify a server sending the SIP call request message; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thomas into the teachings of D'Amico for security, and fraudulent protection purposes.

D'Amico in view of Thomas does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

McConnell teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (page 1, paragraphs 0011, 0013-0016; page 3, paragraph 0035; page 5, paragraph 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of McConnell into the teachings of D'Amico in view of Thomas in order to accurately keep track of the amount due from the application provider.

Consider claims 6-8, 12-14, 34-35. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

5. Claims 30, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas (6,751,652) and McConnell et al (US2003/0074313) as applied to claims 28, 31 above, and further in view of Fletcher et al (H1897).

Consider claim 30, 33. D'Amico in view of Thomas and McConnell does not teach transmitting at least one call statistic to a network management system.

Fletcher teaches transmitting at least one call statistic to a network management system (col. 2, ln. 11-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fletcher into the teachings of D'Amico in view of Thomas and McConnell in order to provide operations and maintenance functions, both radio and switch related, using one system. This reduces overall system costs and increases.

6. Claims 43-44, 47-60, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas (6,751,652) and Hluchyj et al (6,282,193).

Consider claims 43, 50-60, 73. D'Amico teaches a method and system for placing a call between a first client and a second client, comprising receiving a call request message (fig. 1; col. 8, ln. 53 to col. 9, ln. 26); authenticating the call request message, whereby an authentic originating client is identified (ANI or calling party's address; col. 9, ln. 11-26; col. 13, ln. 38-55; col. 20, ln. 36 to col. 30, ln. 9); and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the

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client billing tag is not obtained (col. 27, ln. 57 to col. 29, ln. 45). Thomas teaches challenge a device that originated the call by requesting the device to authenticate itself (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25). Thomas further teaches adding a header to the call request message, the header including a server id to identify a server sending the SIP call request message; and transmitting the call request message to the gateway, the gateway being configured to complete the call if the header is detected and inherently not complete the call if the header is not detected (figs. 3; column(s) 4, line(s) 25 to column(s) 7, line(s) 67; specially, column(s) 5, line(s) 17 to column(s) 6, line(s) 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Thomas into the teachings of D'Amico for security, and fraudulent protection purposes.

D'Amico in view of Thomas does not teach a SIP server.

Hluchyj teaches the use of packet network server that reads on the SIP server (col. 3, ln. 58 to col. 4, ln. 67; col. 6, ln. 50-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hluchyj into the teachings of D'Amico in view of Thomas in order to reduce long distance or toll charge to the subscribers.

Consider claim 44. D'Amico further teaches the server transmits the call request message to the gateway if the client billing tag is obtained, and does not transmit the call request message to the gateway if the client billing tag cannot be obtained (col. 30, ln. 45 to col. 31, ln. 21).

Consider claim 47. D'Amico's col. 28, ln. 1-16 reads on the limitations of this claim.

Consider claims 48-49. D'Amico further teaches call forwarding command and call transfer command (transferring, redirecting or forwarding the call according to subscriber defined treatment; col. 22, ln. 47-65).

7. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Amico et al (5,579,379) in view of Thomas and Hluchyj et al (6,282,193) as applied to claim 43 above, and further in view of McConnell et al (US2003/0074313).

Consider claim 45. D'Amico in view of Thomas and Hluchyj does not teach inserting the client billing tag into the call request message; and transmitting the call request message to the gateway.

McConnell teaches inserting the client billing tag into the call request message; and transmitting the call request message to the gateway (page 1, paragraphs 0011, 0013-0016; page 3, paragraph 0035; page 5, paragraph 0054).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of McConnell into the teachings of D'Amico in view of Thomas and Hluchyj in order to accurately keep track of the amount due from the application provider.

Consider claim 46. D'Amico's col. 28, ln. 48-60 reads on the limitations of this claim.

Response to Arguments

8. Applicant's arguments with respect to claims 1-64, 66-74 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duc Nguyen
Primary Examiner
Art Unit 2643

11/12/04